

1 BEFORE THE LAND USE BOARD OF APPEALS
2 OF THE STATE OF OREGON

3
4 PACIFICORP,
5 *Petitioner,*

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7 vs.

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9 CITY OF REDMOND,
10 *Respondent,*

11 and

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13 BGJJ LLC and MALONE 97, LLC,
14 *Intervenors-Respondent.*

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16 LUBA No. 2007-235

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18 FINAL OPINION
19 AND ORDER

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22 Appeal from City of Redmond.

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24 Megan D. Walseth and Laura Craska Cooper, Portland, represented petitioner.

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26 Steven D. Bryant, Redmond, and Christopher D. Crean, Portland, represented
27 respondent.

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29 Wendie L. Kellington, Lake Oswego, represented intervenor-respondent BGJJ LLC.
30 Bruce W. White, Bend, represented intervenor-respondent Malone 97, LLC.

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32 RYAN, Board Member; HOLSTUN, Board Chair; BASSHAM, Board Member,
33 participated in the decision.

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35 DISMISSED

03/04/2008

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37 You are entitled to judicial review of this Order. Judicial review is governed by the
38 provisions of ORS 197.850.

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MOTIONS TO INTERVENE

BGJJ LLC and Malone 97, LLC, separately move to intervene on the side of respondent. There is no objection to the motions, and they are granted.

DECISION

Pursuant to ORS 197.830(13)(b) and OAR 661-010-0021, the city withdrew the decision challenged in this appeal for reconsideration on December 7, 2007. On February 4, 2008, the Board received the city’s decision on reconsideration.¹ Pursuant to OAR 661-010-0021(5)(a), petitioner had until February 25, 2008 to either refile its original notice of intent to appeal in this matter, or file an amended notice of intent to appeal. The Board has not received a refiled original notice of intent to appeal or an amended notice of intent to appeal in accordance with OAR 661-010-0021(5)(a).

OAR 661-010-0021(5)(e) provides “[i]f no amended notice of intent to appeal is filed or no original notice of intent to appeal is refiled, as provided in [OAR 661-010-0021(5)(a)], the appeal will be dismissed.”

This appeal is dismissed. *Matrix Development v. City of Tigard*, 25 Or LUBA 557 (1993).

¹ Intervenor BGJJ LLC objected to the city’s withdrawal of the decision for reconsideration, and filed a motion to dismiss the appeal, but later withdrew the objection and the motion to dismiss.